IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE FIFTH DAY OF OCTOBER

TWO THOUSAND AND FIVE

P R E S E N T

T H E H O N ' B L E S R I J U S T I C E K . C . B H A N U

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WP.No.19369 OF 2005

Between:

K.Muthyam Reddy, s/o. Late K.Rajiv Reddy,

Aged about 35 years, 0cc.Agriculture,

R/o. Nizampet (v), Qutubullapur Mandal,

Rangareddy district & Ors. .... Petitioners

Versus

The Government of Andhra Pradesh,

Represented by its Secretary,

Home Department, Secretariat,

Hyderabad & Ors. …. Respondents

Counsel for the Petitioners : M/s. Venkata Kumar

Counsel for the Respondent: GOVT.PLEADER for Home

O R D E R :

This writ petition is filed seeking mandamus to declare the action of the fourth respondent in coercing the petitioners to sign the memorandum of understanding designed under the influence of the fifth respondent, pending disposal of OS.No.182 of 2005 on the file of the Court of Junior Civil Judge, Medchal, Rangareddy district, as illegal and arbitrary on the ground that while the above suit is pending, the fifth

respondent under the influence of fourth respondent filed a false complaint against them on the pretext that the fourth respondent utilized coercion methods of remanding the petitioners on 26-8-2005 and thereafter threatened that if the petitioners are not going to listen to the compromise of fifth respondent, the petitioners shall be implicated into all sorts of criminal cases. Further the agricultural lands of Mr.K.Rukka Reddy and Mr.K.Janardhan Reddy are abutting the boundaries of the petitioners land in survey no.325/B.

The Inspector of Police, Kukkatpally Police Station filed a detailed counter-affidavit stating that on 16-8-2005 one Mr.Venkateswara Rao, who has been authorized by the fifth respondent has lodged a complaint against the first petitioner and one Mr.K.Janardhan Reddy on the ground that they had criminally trespassed into the land of Vignan School in survey no.319 situate at Nizampet village and damaged the fencing stones and fencing wire and requested him to take necessary action according to law. On the basis of the above complaint, on 16-8-2005 he registered a case in Cr.No.707/2005 for the offence under section 447, 427 IPC.

The Inspector of Police, Kukkatpally Police Station, denied the allegation that under the influence of fifth respondent, a false case been registered against the petitioners. He denied that at the instance of fifth respondent, the police are insisting to sign on the memorandum of understanding. All the allegations made in the affidavit of the petitioner are denied by the Inspector of Police.

Heard the learned counsel for the petitioners and the learned Govt.Pleader for Home.

As can be seen from the material available on record, it appears that disputable questions of fact are involved in this writ petition, which cannot be gone into under Article 226 of the Constitution of India.

Without entering into the merits of the case, the writ petition is closed with a leave to avail such remedies as may be available to the petitioner in law. It is needless to observe that if the petitioners avail any such remedy, the same shall be considered on its own merit uninfluenced by the closure of this writ petition.

In the result, the writ petition is closed. No costs.

OCTOBER 05th, 2005. ----------

I s L. ***K.C. BHANU , J.***